

Notice of Non Responsive Amendment

The amendment filed on 6/24/2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP §821.03). The remaining claims are not readable on the elected invention because the claims are directed to an invention that is independent or distinct from the invention originally claimed. Newly submitted claims 32-78 are directed to an invention that is independent or distinct from the invention originally claimed for at least the following reasons: The newly submitted claims are all directed to the computation of a needle trajectory while the original and now cancelled claims are all directed to identifying the position of an object and not at all to the computation of a needle trajectory. Furthermore, the newly submitted claims do not require the identifying the position of an object using differences detected between a first and second ultrasound images. The newly submitted claims should be filed in a separate application because they are considered a distinct invention from the original claims and they pose a serious search burden for the Examiner. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-78 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the

omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELMER CHAO whose telephone number is (571)272-0674. The examiner can normally be reached on Mon-Thurs 11am-9pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (571)272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN CASLER/
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/E. C./
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